

FIRST REGULAR SESSION

SENATE BILL NO. 167

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 8, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0845S.02I

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1224, to read as follows:

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) "Applied behavior analysis", the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) "Autism service provider":

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri;

(b) Any person who is certified as a board certified behavior analyst by the behavior analyst certification board;

(c) Any person, if not licensed or certified, who shall provide, if requested, documented evidence of equivalent education, professional training, and supervised experience in applied behavior analysis when the treatment provided by the autism service provider is applied behavior analysis; or

(d) A direct implementer;

(3) "Autism spectrum disorders", a neurobiological disorder, an

22 illness of the nervous system, which includes Autistic Disorder,
23 Asperger's Disorder, Pervasive Developmental Disorder Not Otherwise
24 Specified, Rett's Disorder, and Childhood Disintegrative Disorder, as
25 defined in the most recent edition of the Diagnostic and Statistical
26 Manual of Mental Disorders of the American Psychiatric Association;

27 (4) "Diagnosis of autism spectrum disorders", medically necessary
28 assessments, evaluations, or tests in order to diagnose whether an
29 individual has an autism spectrum disorder;

30 (5) "Direct implementer", any person who provides diagnostic or
31 treatment services for autism spectrum disorders who is not licensed
32 or certified, as described in paragraphs (a) and (b) of subdivision (2) of
33 this subsection, and is supervised by a person who is certified as a
34 Board Certified Behavior Analyst by the Behavior Analyst Certification
35 Board, whether such Board Certified Behavior Analyst supervises as an
36 individual or as an employee of or in association with an entity or
37 group;

38 (6) "Habilitative or rehabilitative care", professional, counseling,
39 and guidance services and treatment programs, including applied
40 behavior analysis, that are necessary to develop, maintain, and restore
41 the functioning of an individual;

42 (7) "Health benefit plan", shall have the same meaning ascribed
43 to it as in section 376.1350;

44 (8) "Health carrier", shall have the same meaning ascribed to it
45 as in section 376.1350;

46 (9) "Medically necessary", any care, treatment, intervention,
47 service or item that is prescribed, provided, or ordered by a licensed
48 physician or a licensed psychologist, pursuant to the powers granted
49 under such licensed physician's or licensed psychologist's license, that
50 will, or is reasonably expected to, do any of the following:

51 (a) Prevent the onset of an illness, condition, injury, or
52 disability;

53 (b) Reduce or ameliorate the physical, mental, or developmental
54 effects of an illness, condition, injury, or disability; or

55 (c) Assist to achieve or maintain functional capacity in
56 performing daily activities, taking into account both the functional
57 capacity of the individual and the functional capacities that are
58 appropriate for individuals of the same age;

59 (10) "Pharmacy care", medications or nutritional supplements
60 used to address symptoms of an autism spectrum disorder prescribed
61 by a licensed physician, and any health-related services deemed
62 medically necessary to determine the need or effectiveness of the
63 medications or nutritional supplements;

64 (11) "Psychiatric care", direct or consultative services provided
65 by a psychiatrist licensed in the state in which the psychiatrist
66 practices;

67 (12) "Psychological care", direct or consultative services
68 provided by a psychologist licensed in the state in which the
69 psychologist practices;

70 (13) "Therapeutic care", services provided by licensed speech
71 therapists, occupational therapists, or physical therapists;

72 (14) "Treatment for autism spectrum disorders", care prescribed,
73 provided, or ordered for an individual diagnosed with an autism
74 spectrum disorder by a licensed physician or licensed psychologist,
75 pursuant to the powers granted under such licensed physician's or
76 licensed psychologist's license, if the care is determined to be medically
77 necessary, including, but not limited to:

78 (a) Psychiatric care;

79 (b) Psychological care;

80 (c) Habilitative or rehabilitative care, including applied behavior
81 analysis therapy;

82 (d) Therapeutic care;

83 (e) Pharmacy care.

84 2. A health benefit plan shall provide individuals less than
85 twenty-one years of age coverage for the diagnosis of autism spectrum
86 disorders and for the treatment of autism spectrum disorders. To the
87 extent that the diagnosis of autism spectrum disorders and the
88 treatment of autism spectrum disorders are not already covered by a
89 health benefit plan, the coverage required under this section shall be
90 included in health benefit plans that are delivered, executed, issued,
91 amended, adjusted, or renewed on or after August 28, 2009.

92 3. With regards to a health benefit plan, a health carrier shall
93 not deny or refuse to issue coverage on, refuse to contract with, or
94 refuse to renew or refuse to reissue or otherwise terminate or restrict
95 coverage on an individual or their dependent solely because the

96 individual is diagnosed with autism spectrum disorder.

97 4. (1) Coverage provided under this section is limited to
98 treatment that is ordered by the insured's treating licensed physician
99 or licensed psychologist, pursuant to the powers granted under such
100 licensed physician's or licensed psychologist's license, in accordance
101 with a treatment plan.

102 (2) The treatment plan upon request by the health benefit plan
103 or health carrier shall include all elements necessary for the health
104 benefit plan or health carrier to appropriately pay claims. Such
105 elements include, but are not limited to, a diagnosis, proposed
106 treatment by type, frequency and duration of treatment and goals.

107 (3) Except for inpatient services, if an individual is receiving
108 treatment for an autism spectrum disorder, a health benefit plan or
109 health carrier shall have the right to request a review of that treatment
110 not more than once every six months unless the health benefit plan or
111 health carrier and the individual's treating physician or psychologist
112 agrees that a more frequent review is necessary. The cost of obtaining
113 any review will be borne by the health benefit plan or health carrier,
114 as applicable.

115 5. Coverage provided under this section for applied behavior
116 analysis shall be subject to a maximum benefit of seventy-two thousand
117 dollars per year, but shall not be subject to any limits on the number
118 of visits by an individual to an autism service provider for applied
119 behavior analysis. Coverage provided under this section for services
120 other than applied behavior analysis shall not be subject to any limits
121 on the number of visits an individual may make to an autism service
122 provider. After December 31, 2010, the director of the department of
123 insurance, financial and professional registration shall, on an annual
124 basis, adjust the maximum benefit (for applied behavioral analysis) for
125 inflation using the Medical Care Component of the United States
126 Department of Labor Consumer Price Index for All Urban
127 Consumers. Payments made by a health carrier on behalf of a covered
128 individual for any care, treatment, intervention, service or item, the
129 provision of which was for the treatment of a health condition
130 unrelated to the covered individual's autism spectrum disorder, shall
131 not be applied toward any maximum benefit established under this
132 subsection.

133 **6. This section shall not be construed as limiting benefits which**
134 **are otherwise available to an individual under a health benefit**
135 **plan. The health care services required by this section shall not be**
136 **subject to any greater deductible, coinsurance or co-payment than**
137 **other physical health care services provided by a health benefit plan.**

138 **7. To the extent any payments or reimbursements are being made**
139 **for services rendered by a direct implementer for applied behavior**
140 **analysis, such payments or reimbursements shall be made to either:**

141 **(1) The person who is supervising the direct implementer, who**
142 **is certified as a board certified behavior analyst by the Behavior**
143 **Analyst Certification Board; or**

144 **(2) The entity or group for whom such supervising person works**
145 **or is associated.**

146 **8. This section shall not apply to health benefit plans offered**
147 **solely to an individual.**

148 **9. The provisions of this section shall not apply to a**
149 **supplemental insurance policy, including a life care contract, accident-**
150 **only policy, specified disease policy, hospital policy providing a fixed**
151 **daily benefit only, Medicare supplement policy, long-term care policy,**
152 **short-term major medical policy of six months or less duration, or any**
153 **other supplemental policy.**

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